

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES LANGONE, as FUND MANAGER)
of the NEW ENGLAND TEAMSTERS AND)
TRUCKING INDUSTRY PENSION FUND)

Plaintiff,)

v.)

LILY TRANSPORTATION CORP. d/b/a)
LILY TRANSPORT, INC. and/or d/b/a)
LILY TRANSPORT LINES, INC.)

Defendants,)
_____)

C.A. No. 04-11418 DPW

**NOTICE OF DISMISSAL PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 41**

Now comes the Plaintiff, Fund Manager of the New England Teamsters and Trucking Industry Pension Fund, to notify this Court that he wishes to dismiss the above-captioned action without prejudice and with each party to bear its own costs pursuant to F.R.C.P. 41(a)(1)(i).

Dated: October 20, 2004

Respectfully submitted,

/S/ Catherine M. Campbell_____

Catherine M. Campbell

BBO #549397

FEINBERG, CAMPBELL & ZACK PC

177 Milk Street

Boston, MA 02109

(617) 338-1976

Certificate of Service

I, Catherine M. Campbell, hereby certify that I caused a copy of the foregoing to be mailed this day by U.S. first-class mail to John Simourian, II, President, Lily Transportation Corp., 145 Rosemary Street, Needham, MA 02914.

/S/ Catherine M. Campbell

Catherine M. Campbell